

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-46

March 17, 2000

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE ET AL.
Request For Exemption of Chapter
708(2)(A)

ORDER

WELCH, Chairman; NUGENT, and DIAMOND Commissioners

I. SUMMARY

In this Order we approve the merger of Northeast Utilities, parent company of Public Service of New Hampshire (PSNH) with Consolidated Edison, Inc., on the condition that the New Hampshire Public Utilities Commission and the Federal Energy Regulatory Commission approve the merger.

II. DISCUSSION and DECISION

On January 19, 2000, PSNH asked the Commission to issue an order finding that the acquisition by merger of PSNH's parent, Northeast Utilities, by Consolidated Edison, Inc. does not require approval under 35-A M.R.S.A. § 708, as long as the New Hampshire Public Utilities Commission approves the merger. In the alternative, PSNH requests approval of the merger under 35-A M.R.S.A. § 708. PSNH makes this request because it owns property in Maine, which is defined as "transmission and distribution plant" under 35-A M.R.S.A. § 102(20-A). This primarily consists of transmission lines (see letter attached as Attachment 1 to this Order).¹ As an owner of transmission and distribution plant within Maine, PSNH is a public utility subject to the requirements of Title 35-A, including the reorganization statute, section 708.

The Commission may approve a reorganization of a Maine utility if "the reorganization is consistent with the interests of the utility's ratepayers and investors." Also in approving any reorganization, the Commission must assure that "the ability of the utility to provide safe, reasonable and adequate service is not impaired." 35-A M.R.S.A. § 708(2)(A)(4).

PSNH's contacts with the state of Maine are extremely limited. While it owns and operates certain transmission and distribution plant in Maine, it does not provide retail service to any customers in Maine nor does it receive any compensation in Maine

¹ The various generating facilities owned by PSNH in Maine are no longer electric plant subject to our jurisdiction. See 35-A M.R.S.A. § 102(6-A).

as a result of the properties it owns in Maine. Our primary interest is in assuring that PSNH maintains its T&D plant in Maine in a safe and reasonable manner.

Because PSNH's contacts are so limited, we believe we can adequately discharge our responsibilities under section 708 by approving the merger upon the condition that the merger be approved by the New Hampshire Public Utilities Commission and the Federal Energy Regulatory Commission. The merged utility will continue to be responsible for managing its T&D plant in Maine in a safe and reasonable manner and in accordance with the National Electric Safety Code, as required by 35-A M.R.S.A. § 2305-A(2).

Accordingly, we approve the merger of Northeast Utility with Consolidated Edison, Inc. on the condition that the merger is approved by the New Hampshire Public Utilities Commission and Federal Energy Regulatory Commission, as described in this Order.

Dated at Augusta, Maine, this 17th day of March, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.